

Appeal Process for National Background Check Program

I. Challenge Requests

Abuse Registries: If an applicant believes that his or her name is listed on one of the following abuse registries in error, the applicant may contact the agency responsible for the abuse registry as follows:

- **List of Excluded Individuals/Entities (LEIE)** – Contact the federal Office of Inspector General
 - <https://oig.hhs.gov/contact-us/index.asp#exclusions>
- **Kentucky Nurse Aide Abuse Registry** – Contact the Kentucky Office of Inspector General
 - (502) 564-7963.

Professional Licensing: If an applicant believes that his or her professional license is incorrectly reported as “not in good standing” or otherwise inactive, the applicant may contact the agency responsible for the licensing data as follows:

- Kentucky Board of Medical Licensure –
 - <http://kbml.ky.gov/Pages/default.aspx>
- Kentucky Board of Nursing –
 - <http://www.kbn.ky.gov/>
- Kentucky Board of Physical Therapy –
 - <http://pt.ky.gov/Pages/default.aspx>

Criminal Background Check: If an applicant believes that the information contained in his or her criminal background check is incomplete or inaccurate, the applicant may contact the Kentucky State Police, Criminal Records Dissemination Section at (502) 227-8700. <http://kentuckystatepolice.org/>

II. Request for Informal Review

An applicant may request an informal review of the OIG’s determination that he or she is not eligible for hire based on the results of the criminal background check as follows:

Step One: The applicant must contact the Kentucky State Police, Criminal Records Dissemination Section at (502) 227-8700 for a copy of his or her criminal background check information.

Step Two: The applicant must sign, date, and send a written request for an informal review no later than 10 days from the date of the “Not Eligible for Hire” notice to the following address:

Office of Inspector General
Cabinet for Health and Family Services
275 East Main Street, 5E-A
Frankfort, Kentucky 40621

*See Request for Administrative Hearing if dissatisfied with outcome of the informal review.

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III. Request for Rehabilitation Review

Certain criminal offenses found upon completion of the fingerprint check are eligible for consideration under the rehabilitation review process. Offenses not eligible for consideration under the rehabilitation review process include the following:

1. A disqualifying offense that occurred at least 7 years prior to the date of the fingerprint check;
2. A criminal conviction related to abuse, neglect, or exploitation of an adult or child;
3. Registration as a sex offender; and
4. A conviction for a violent crime.

A request for rehabilitation review shall be made as follows:

Step One: The applicant must contact the Kentucky State Police, Criminal Records Dissemination Section at (502) 227-8700 for a copy of his or her criminal background check information.

Step Two: The applicant's written request for rehabilitation review must:

1. Be signed, dated, and mailed to the Office of Inspector General at the address provided above;
2. Be mailed no later than 14 calendar days from the date of the Cabinet's determination of "Not Eligible for Hire" notice;
3. Be accompanied by a written explanation of each disqualifying criminal offense, including:
 - A description of the events related to the disqualifying criminal offense;
 - The number of years since the occurrence of the offense;
 - The identification of any other individuals involved in the offense;
 - The applicant's age at the time of the offense; and
 - Any other circumstances surrounding the offense;
4. Include employment and character references, and any other evidence demonstrating the ability of the individual to perform the employment responsibilities and duties competently;
5. If applicable, include official documentation showing all fines have been paid or documentation showing adherence to a payment schedule; and
6. If applicable, include the date probation or parole was satisfactorily completed.

*See Request for Administrative Hearing if dissatisfied with outcome of the rehabilitation review.

IV. Request for Administrative Hearing

An applicant may appeal the results of an informal or rehabilitation review by submitting a written request for an administrative hearing to the Office of Inspector General at the address provided above within five days of notice of the outcome of the informal or rehabilitation review. The written request must be signed and dated.